

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

IN RE:

JAMES ALONZO SOWELL,
Debtor.

Case No. 3:10-bk-02347

Chapter 11

MOTION FOR ENTRY OF ORDER STRIKING PENDING MOTIONS

COMES NOW, Bank of America, N.A. (“Bank of America”) and Wells Fargo Bank, N.A. f/k/a Wells Fargo Bank Minnesota, N.A., as Trustee for the Certificateholders of Banc of America Alternative Loan Trust 2003-8, Mortgage Pass-Through Certificates, Series 2003-8 (“Wells Fargo”)¹, and files this Motion for Entry of an Order Striking Pending Motions, respectfully showing this Honorable Court as follows:

1. On July 23, 2018, the Debtor filed an Expedited Motion to Reopen for the purpose of prosecuting a Motion for Contempt against Wells Fargo. *See* [Doc. 153].

2. Earlier, on May 4, 2018 – while the case was closed – the Debtor filed a Motion for Contempt against Bank of America. [Doc. 148]. The Motion for Contempt against Wells Fargo was filed on July 23, 2018. [Doc. 155].

3. This Court set the Motion to Reopen for a hearing on July 31, 2018. An order entered on August 9, 2018, reflects that the Debtor’s attorney advised the Court at the hearing “that the contempt matter had been resolved and that he would be striking the motion to reopen.” Over five months have passed, and the Debtor has taken no action to formally strike the Motion to Reopen or two Motions for Contempt from the docket.

4. Because these matters technically remain pending, Bank of America and Wells Fargo have had to expend attorney’s fees to monitor this case. In order to bring final resolution to

¹ The Debtor incorrectly named the Respondent as simply “Wells Fargo Bank, N.A.”

this matter, Bank of America and Wells Fargo respectfully request entry of the proposed order attached hereto as **Exhibit “A”**.

WHEREFORE, Bank of America and Wells Fargo pray for the following relief:

- a) That this Court enter the proposed order attached hereto, or other similar order that formally strikes Docket Entries 148, 153, and 155; and
- b) For any other relief that this Court deems just and proper.

Respectfully submitted, this 4th day of January 2019.

/s/ Bret J. Chaness

BRET J. CHANESS (BPR # 31643)

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Wells Fargo Bank Minnesota, N.A., as
Trustee for the Certificateholders of Banc of
America Alternative Loan Trust 2003-8,
Mortgage Pass-Through Certificates, Series
2003-8*

CERTIFICATE OF SERVICE

I hereby certify that on January 4th, 2019, a copy of the within and foregoing has been filed via CM/ECF, which will serve notice on all parties.

/s/ Bret J. Chaness

BRET J. CHANESS (BPR # 31643)